

BEFORE YOU PURCHASE A MINING CLAIM FROM AN INTERNET SITE

YOU SHOULD KNOW THIS IMPORTANT INFORMATION

It is important for any prospective buyer to understand what an unpatented mining claim is and what rights and/or responsibilities an owner of an unpatented mining claim has. There has been an increase in the number of companies and/or individuals who are paper filing claims only and not locating the claim on the ground.

DO NOT purchase a mining claim via an internet site if the seller cannot give you an official BLM Claim Serial Number. Sellers often tell potential buyers that the claim has been recorded in the local county and therefore valid. However, it is BLM who determines the validity of the claim by performing the official land status review and if it is determined that the claim or site is located on lands not open to mineral entry, you will be out the money you spent to purchase the claim.

What should I look for on my mining claim? Both Federal and State laws apply when locating a mining claim. Your claim or site boundaries must be distinctly and clearly marked to be readily identifiable on the ground. Generally a mining claim must have a discovery monument and corner posts. The discovery monument must be tied to some well-known, permanent object. For placer claims, each 10 acres must be shown to be mineral-in character. The claim should also be posted with a Notice of Location which includes the legal description, claim name, and claimant name and address.

Who can hold an interest in a mining claim? A person who is a citizen of the United States or has declared an intention to become a citizen may locate and hold a mining claim. Non-citizens are not permitted to own or have an interest in mining claims or sites.

What is a mining claim? A mining claim is a selected parcel of Federal land, valuable for a specific mineral deposit, for which you have asserted a right of possession under the General Mining Law. Your right is restricted to the development and extraction of a mineral deposit. The surface of an unpatented mining claim is NOT your private property, the ownership remains with the United States. The BLM or Forest Service has the right to manage the surface and surface resources on an unpatented mining claim. This includes recreational public use of the area and public access across lands covered by the unpatented mining claim.

What can I do on my mining claim? Exploration and mining activities on BLM administered lands are controlled by the regulations at 43 CFR 3715 and 3809. Exploration and mining activities on Forest Service lands are administered by the Forest Service regulations contained in 36 CFR 228 Part A. These regulations require you to prevent unnecessary or undue degradation to the lands. If your activity is other than casual use or if your proposed operation could likely cause "significant disturbance of surface resources" you must submit a notice or plan of operations with either the BLM Field Office or the Forest Service Office. A Notice of Operation is required for exploration activities covering 5 acres or less. A Plan of Operation is required where activities involve the surface disturbance of more than 5 acres. Casual use is defined as: Activities ordinarily resulting in no or negligible disturbance of the public lands or resources. For example (1) Casual use generally includes the collection of geochemical, rock, soil, or mineral specimens using hand tools; hand panning; or non-motorized sluicing. It may include use of small portable suction dredges. It also generally includes the use of metal detectors, gold spears, or other battery operated devices for sensing the presence of minerals, and hand and battery operated

drywashers. Operators may use motorized vehicles for casual use activities provided the use is consistent with the regulations governing such use, off-road vehicle use designations contained in land use plans, and the terms of temporary closures ordered by either the BLM or Forest Service. (2) Casual use does not include use of mechanized earth-moving equipment, truck-mounted drilling equipment, motorized vehicles in areas when designated as closed to "off-road vehicles", chemicals or explosives.

You are required to reclaim any surface disturbing activity, even if the claim or site is declared abandoned and void or forfeited by the BLM. Reclamation is required if you relinquish the claim or site to the United States. The BLM and Forest Service require a reclamation bond or other financial security prior to approving your plan of operations or allowing operations under a notice to proceed. You must also obtain the proper State permits prior to notice or plan level activities.

Can I camp on my unpatented mining claim? Without an approved plan of operations, you have the same rights and restrictions as the public. If the area is open to camping to the public, then it is permissible. However, you need to check with the BLM Field Office or the local District Ranger for areas open to camping. Under Federal law in order to occupy the public lands under the mining laws for more than 14 calendar days in any 90 day period, a claimant must be involved in certain activities that (a) are reasonably incident; (b) constitute substantially regular work; (c) are reasonably calculated to lead to the extraction and beneficiation of minerals; (d) involve observable on-the-ground activity that can be verified; and (e) use appropriate equipment that is presently operable, subject to the need for reasonable assembly, maintenance, repair or fabrication of replacement parts. All five of these requirements must be met for occupancy to be permissible.

Can I construct buildings or other improvements on my unpatented mining claim? You may not construct, place, or maintain any kind of building or other structure, road, trail, fence or enclosure, and place or store equipment without the prior approval of a plan operation from the BLM or Forest Service. Intermittent or casual mineral exploration and development do not normally justify the use of such structures.

Can I keep the public off my claim? The public has the conditional right to cross mining claims or sites for recreational and other purposes and to access Federal lands beyond the claim boundaries.